

Attachment B

Response to Comments

CINDY LIN

US Environmental Protection Agency, Region IX

(Oral comments presented at the June 24, 2004 Regional Board workshop)

Comment #1:

US EPA fully supports the Middle Santa Ana River Watershed Waterbodies Bacterial Indicator TMDLs as proposed.

Response:

Comment noted.

ATI ESKANDARI
City of Corona
(Letter dated June 7, 2005)

Comment #2:

[D]ata collected in the Chino Basin Watershed and from Santa Ana River Reach 3 (SAR-3) in the Riverside Watershed supports the impairment for those identified reaches due to elevated pathogen indicator levels.

Response:

Comment noted.

Comment #3:

While Temescal Creek is tributary to SAR-3, it is downstream of all TMDL sampling locations in the Chino Basin and Riverside watersheds. Thus it is inconclusive and unsupportive [sic] that this watershed contributes to the impairments identified upstream.

We recommend that the Temescal Canyon Watershed be re-considered for inclusion in the TMDL as there is no supporting data to conclude its contribution to the identified impairments.

Response:

Board staff recognize that Temescal Creek is tributary to Santa Ana River, Reach 3 (SAR-3) and that its confluence with SAR-3 is downstream of most of the TMDL sampling locations. However, SAR-3 is 303(d) listed and all possible sources must be evaluated. As discussed in the February 2005 TMDL Report, Section 5.1.1, the Santa Ana River at the Prado Dam location had more than the minimum number of exceedances for listing a waterbody on the 303(d) List based on the single sample results. Temescal Creek is tributary to the Santa Ana River at Prado Dam; therefore, it is appropriate to include the Temescal Creek watershed as part of the Santa Ana River, Reach 3 TMDL.

Staff would also like to point out that when TMDL sampling locations were discussed and selected by the TMDL Workgroup for the TMDL monitoring program, it was understood that the chosen locations were representative of areas with similar land uses within the larger MSAR watershed. The TMDL Workgroup realized that it would not be possible or realistic to sample every drainage or every channel within each city's jurisdiction as part of the sampling effort. Since Temescal Creek receives runoff from areas with urban land uses, monitoring results from locations representing urban land uses are considered to be applicable to Temescal Creek as well. Additional monitoring to be conducted as part of the implementation plan of the proposed TMDLs will verify this approach. The TMDLs can be revised if and as necessary based on the monitoring data.

Comment #4:

Temescal Creek joins the Santa Ana River within the densely vegetated Prado Flood Control Basin where flow is detained behind the Prado Dam. It is extremely unlikely for water contact recreation to occur in this area due to dense vegetation, lack of access, and flow spreading.

Response:

The City of Corona did not present any data or supporting evidence that recreational uses do not occur within the Prado Basin. It could be argued that the wild and natural nature of the area behind Prado Dam in fact makes it a prime location for recreational activities to occur. Nonetheless, and more to the point,

the fact is that the Santa Ana River, Reach 3 throughout its entirety is designated in the Basin Plan as REC1, supporting water contact recreation. Therefore, the TMDLs must ensure protection of the recreation beneficial use throughout the Reach unless and until that use is revised in the Basin Plan through the Basin Planning process. Recommendations for appropriate revisions to REC1 designations are being considered by the Stormwater Quality Standards Task Force (SWQSTF).

Comment #5:

[M]onitoring data from the Chino Basin watershed is not a good indicator of bacteria levels in the Temescal Canyon watershed as historical uses of the developed land are significantly different.

Response:

Regardless of historical land uses in the respective sub-watersheds, the current land uses in the urbanized portions of the Chino Basin watershed and in the Temescal Canyon watershed are similar, and, in fact, the sub-watersheds also have similar historical uses (i.e., citrus and other crop cultivation). When sampling locations were discussed and selected by the TMDL workgroup for the TMDL monitoring program, it was understood that the chosen locations were representative of areas with similar land uses within the larger MSAR watershed.

See also Response to Comment #50 in the June 24, 2005 Staff Report, Attachment B.

Comment #6:

The second step in TMDL preparation is linkage analysis wherein sources of coliform bacteria in the water are linked to observed conditions in the impaired waterbody. A sophisticated model of Chino Basin is being developed to correlate the sources with the impairment. However, taking an empirical look at the land uses and related historical sampling data clearly indicates that the highest levels of bacteria and most significant source are agricultural uses of the land, and in particular dairy farming (CAFOs).

Response:

Based upon storm water quality monitoring performed by Board staff in 1996–1998, the highest levels of bacterial indicators were associated with agricultural land uses. However, results from this same monitoring effort indicate very high levels of bacterial indicators (hundreds and thousands of times greater than water quality objectives) associated with urban land uses. Further, TMDL monitoring indicated excessive bacterial indicator levels associated with urban areas during dry weather conditions. Additional data are needed to more thoroughly evaluate bacterial levels associated with agricultural operations during dry weather conditions.

Comment #7:

While CAFOs are currently regulated to eliminate discharges up to the 25-year, 24-hour storm event, it is unclear if the permits are being enforced and that discharges have ceased. We believe that TMDL source evaluation efforts should concentrate on CAFO runoff from the Chino Basin watershed, and not urban uses.

Response:

See Response to Comment # 6, above, and Response to Comment #51 in the June 24, 2005 Staff Report, Attachment B.

Comment #8:

The proposed MSAR TMDL does not provide for a natural source exclusion. Other Regional Boards (San Diego and Los Angeles) have included allowable exceedances of single sample bacteria limits under wet weather conditions. These TMDLs have recognized that even relatively undeveloped watersheds exceed bacteria standards on occasion due to natural sources such as birds and other wildlife. We believe that the TMDL should include a natural source exclusion for wet weather similar to other approved bacteria TMDLs in the region.

Response:

Board staff are aware of the approaches used by other Regional Boards in their bacterial indicator TMDLs. Staff believe that it would be feasible and appropriate to take the natural exclusion approach as recommended by the City. However, at this time, there are no data for the MSAR watershed upon which to base a natural source exclusion. Existing data indicate that during dry weather, runoff from open space and natural land use areas is not a source of bacterial indicators and complies with the existing fecal coliform Basin Plan objective. With additional monitoring to develop an appropriate exclusion provision, Staff would support incorporation of an exclusion provision into a revised Middle Santa Ana River watershed TMDL. The SWQSTF effort may result in recommendations for a natural source or other type of exclusion.

Comment #9:

The proposed Task 3—Monitoring Program of the TMDL implementation plan should be delayed or revised until the outcome of the Storm Water Quality Task Force (Task Force). Results of the Task Force would indicate what constituents should be sampled for, the level of compliance, and points of compliance.

We recommend that Task 3 efforts begin after recommendations have been made by the Task Force, or that efforts proposed as part of the Task Force be given credit for this task.

Response:

See Response to Comment #7 in the June 24, 2005 Staff Report, Attachment B.

Comment #10:

The proposed margin of safety to account for bacteria re-growth is not supported by scientific data. Until there is sufficient scientific evidence on the rate, time and location of re-growth, it is presumptive to apply a re-growth factor to the numeric target since samples might be subject to already having re-growth. We recommend that the margin of safety factor for re-growth be removed from the proposed TMDL, or addressed through a different manner.

Response:

See Responses to Comments #3, 18, 80 and 81 in the June 24, 2005 Staff Report, Attachment B.

Staff also notes that the margin of safety was incorrectly applied to the proposed fecal coliform and *E. coli* numeric targets. The margin of safety should only be applied to the TMDLs, WLAs and LAs. As shown in Attachment to Resolution No. R8-2005-0001, 1. A Numeric Targets, the proposed numeric targets no longer include the 10% margin of safety; the proposed fecal coliform numeric target is the existing Basin Plan objective and the proposed *E. coli* numeric target is based on USEPA's *E. coli* criteria that roughly correspond to the health risk level associated with the existing Basin Plan fecal coliform objectives.

RODNEY W. CRUZE
City of Riverside
(Letter dated June 22, 2005)

Comment #11:

The City is concerned about the significant changes that have been made to the proposed basin plan amendment for a bacterial TMDL in the middle Santa Ana River (SAR).

It was understood that the use of a fecal coliform indicator as a water quality standard would be changing in the future. Board staff made clear at that time that it would be necessary to move forward with a TMDL for that indicator in order to comply with deadlines dictated by the Clean Water Act and the courts. As we read the proposed amendment at this point in time, it appears that the scope has been significantly expanded. Specifically, numeric “targets” for *E. coli* and a 10% margin of safety in the objectives have been added at the eleventh hour. The City requests that the Board remove numeric limitations or targets for *E. coli* and provide clarification on the use of the safety factor it has proposed.

Response:

Board staff provided the reasoning for adding *E. coli* as an alternative numeric target in Response to Comment #2 in the June 24, 2005 Staff Report, Attachment B. In addition, Board staff stated its reasons for using a 10% margin of safety in Response to Comment #3 in the June 24, 2005 Staff Report, Attachment B. Board staff continue to believe that the inclusion of *E. coli* and the 10% margin of safety is appropriate, for the reasons already described. However, as indicated in the Response to Comment #10, above, the margin of safety is now proposed to be applied to the TMDLs, WLAs and LAs, and not the numeric targets.

Comment #12:

The inclusion of a numeric target for *E. coli* is inappropriate since it is not a legally adopted standard. We agree with the staff report when it states that 126 *E. coli* organisms/100ml is correlated to the 200 fecal coliform organisms/100ml but this is a tenuous relationship at best. Staff appear to be relying on the 1986 EPA criteria document for the proposed *E. coli* target. By using this value they are assuming a risk factor that may not be appropriate for the water bodies in question.

The question of what is the appropriate risk factor to use is being addressed by the Stormwater Quality Standards Task Force. Time should be given for them to complete this study.

Response:

It is entirely appropriate to use guidelines as the basis of numeric targets for a TMDL. Indeed, USEPA recommended that numeric targets based on *E. coli* be included in the TMDLs (see Comment #2 in the June 24, 2005 Staff Report, Attachment B), since it is now recognized that *E. coli* is a better indicator of public health risk resulting from water contact recreation.

The Basin Plan does not specify different fecal coliform objectives based on differing frequency or magnitude of water contact recreational use and resultant health risk in specific waterbodies. Rather, the Basin Plan specifies a single set of fecal coliform objectives that apply to all inland surface waters designated REC1. This is a matter being explored by the SWQSTF. Until such time as the recommendations of the SWQSTF are developed and considered through the Basin Planning process, it is appropriate to specify numeric targets for *E. coli* that are comparable to the existing Basin Plan fecal coliform objectives. The proposed TMDLs/Basin Plan amendment includes recognition of the fact that

the SWQSTF may make recommendations for alternative *E. coli* water quality objectives that, if incorporated into the Basin Plan, will necessitate revision of the TMDLs.

Comment #13:

Staff is aware of these issues [SWQSTF efforts] and is careful not to call the *E. coli* numbers limits by substituting the word “target.” The problem is that a “target” is not defined in the amendment. What happens if you exceed a target? Does the Board have the authority to require any action based on the failure to meet a target? If it does then it is not a target, it is a standard. If it doesn’t then what is the point?

Response:

The use of the term “target” is not novel or particular to these proposed TMDLs. TMDLs require a quantitative numeric value or target necessary to implement existing water quality standards, which include water quality objectives and beneficial uses. The numeric targets are interpretations of existing water quality standards, not water quality standards themselves. Numeric targets are not directly enforceable against dischargers absent a corresponding permit provision that implements associated wasteload/load allocations.

If a numeric target is exceeded, but the TMDLs, WLAs and LAs have been met after implementation of control measures, the Regional Board would evaluate whether the TMDLs and allocations were appropriately set and make adjustments as needed. Further, given the iterative nature of TMDLs, the Regional Board could also deem the numeric target inappropriate and make necessary adjustments. Staff anticipates that revision of the proposed *E. coli* numeric target will occur based on the recommendations of the SWQSTF.

Comment #14:

Numeric limits or targets should not be introduced into the Basin Plan until they have gone through the formal standard setting process.

Response:

See Response to Comment #13. Numeric targets are not water quality standards and therefore, the processes required when adopting such standards do not apply. The Regional Board is expected to consider the adoption of water quality objectives based on *E. coli*. This will require the formal standard setting process, including consideration of the factors specified in California Water Code §13241.

Comment #15:

The Board should first adopt the new pathogen standards, review the use designations and then determine if a TMDL is necessary. This amendment suggests a standard and an associated WLA when it might not be needed.

Response:

As indicated in the TMDL Report and discussed above, Board staff, along with the SWQSTF are reviewing bacterial indicators and beneficial use designations. It is not clear at this time when this process will be completed. The Regional Board has made a commitment to adopt these TMDLs according to a previously adopted schedule and it is the Board’s intent to keep that commitment. The proposed Basin Plan amendment includes commitments for review and revision of the TMDLs and their components should new bacterial indicators or new beneficial use designations be adopted. Board staff believe that the proposed Basin Plan amendment, the proposed compliance schedules and the

proposed implementation tasks and associated schedules, take the SWQSTF efforts into account and are appropriate.

The proposed amendment does not “suggest” a standard; rather, it identifies the numeric targets, allocations and an implementation plan necessary to achieve existing standards. See Response to Comments #12, #13, and #14, above.

Comment #16:

The use of a safety factor may be appropriate but the proposed amendment needs to be clear where that standard must be met. We would argue and we hope the Board agrees that it is not appropriate at the point of use.

If re-growth is a concern then the safety factor should only apply to water before it gets to the REC-1 designated waters.

It is, therefore, our position that a safety factor at the point of use is not appropriate. If a safety factor is to be applied, further clarification including where the standard applies, is necessary.

Response:

See response to Comment #10. The 10% margin of safety is applied to the TMDLs, WLAs and LAs to assure that the water quality standards in the receiving waters are achieved.

Task 3 of the proposed Basin Plan amendment requires development and implementation of a watershed-wide monitoring program. One of the purposes of the monitoring program is to address compliance with the TMDLs, WLAs, and LAs as well as to ensure that the established water quality objectives are being achieved. The proposed amendment includes proposed monitoring locations for determining compliance; however, if dischargers do not believe that the proposed monitoring locations are appropriate to represent their contribution and to allow a determination of compliance with the WLAs or LAs, dischargers have the option to propose alternative monitoring locations for consideration by the Regional Board as indicated in the proposed Basin Plan amendment. Recognizing that additional time may be required for dischargers to identify appropriate monitoring locations, staff recommends that the due date for Task 3 be extended from 3 months (after approval of the TMDL) to 6 months (see Attachment to Resolution No. R8-2005-0001, Table 5-9y and Task 3).

Comment #17:

If the Board feels that they must include *E. coli* targets then we request that the single sample maximum be removed or modified. EPA’s proposed criteria include four possible classifications for single sample maximum allowable density. These values are meant as management tools. Unlike maximum criteria used in toxic standards, these numbers do not relate to an acute endpoint or time of exposure.

One of the things that the Board will have to determine in the future is how single sample exceedances will be looked at when determining if a water body needs a TMDL since you can and will have single sample exceedances while you are complying with geometric mean standards.

Tying this in with our previous comment; if we aren’t going to be managing based on the “target” value then the single sample maximum isn’t needed and should not be included in this amendment.

[S]hould the Board determine that they want a single sample maximum we request that it be based on something other than the requirement for a “Designated Beach Area.” As was stated earlier, EPA proposed four different categories of use and associated maximum allowable densities. What they didn’t put in the criteria documents are definitions of these categories. The definitions will have to be formulated at the time of standard setting by the Board.

We respectfully request that if the Board includes a single sample maximum for *E. coli* in this amendment, that it be based on the Lightly Used Full Body contact Recreations category. This number can be refined when the standard setting process is complete and the use categories have been formally determined.

Response:

See Response to Comment #12. The SWQSTF is expected to make recommendations for appropriate *E. coli* objectives that take into account the four use categories identified in USEPA’s criteria document. When and if these recommendations are adopted and approved through the Basin Planning process, it will be appropriate to revise the proposed TMDLs accordingly. Please see Task 6 in the proposed Basin Plan amendment

Staff is unclear on what basis the City is defining the waterbodies in the MSAR watershed as being “Lightly Used Full Body Recreation”. If this is based on the initial results of the Beneficial Use Survey currently being conducted by SAWPA through a Clean Water Act Section 205(j) grant (see Comment #30, below), staff needs to emphasize that the study has not yet been completed and therefore, we believe it would be inappropriate to use these results at this time. We also understand that the SWQSTF is undertaking a much more comprehensive evaluation of the extent of recreational activity in some of the subject waterbodies, with the goal of characterizing actual and potential use. Staff believes it is appropriate to allow completion of that effort by the SWQSTF and to revise the TMDLs in future based on recommendation from the SWQSTF that result in changes to the Basin Plan.

Regarding placement of a waterbody on the Clean Water Act Section 303(d) List and subsequent TMDL development, the manner in which the state will view single sample exceedances is described in Section 3.3 of the State Board’s Water Quality Control Policy for Developing California’s clean Water Act Section 303(d) List (Listing Policy). Staff also points out that the fecal coliform water quality objective and the *E. coli* criteria recommended by USEPA do not allow exclusion of the single sample portion. Both the 30-day geometric mean and the single sample maximum have to be met.

ATI ESKANDARI

City of Corona

(Letter dated June 23, 2005)

(Oral comments presented at the June 24, 2004 Regional Board workshop)

RUDY FANDEL

City of Corona

(Oral comments presented at the June 24, 2004 Regional Board workshop)

Comment #18:

Assuming that dry weather flows from urban areas within the Temescal Canyon sub-watershed are found to be a leading source of bacteria to the impaired waterbodies, one of the alternatives to meet the proposed pathogen TMDL could be diversion of dry weather flows from the municipal storm drainage system to a treatment plant for treatment and discharge back into the receiving waters. Other alternatives to address dry weather and first flush flows must also be considered during TMDL implementation and could include regional BMPs identified through the regional study performed by the Riverside County Permittees as required by the Riverside County MS4 NPDES Permit.

Response:

Comment noted. Board staff expects that as part of TMDL implementation, thorough evaluations will be conducted of many bacterial indicator source management alternatives, including diversion and treatment, and source control measures BMPs.

Comment #19:

Currently, the wastewater treatment plants operated by City of Corona do not have capacity to treat additional flows from non-sanitary sewer sources. One or all of the treatment plants would have to be upgraded to accept the additional flows. In addition, there are specific concerns regarding toxicity that may be found in dry weather runoff.

Response:

The proposed TMDLs do not prescribe diversion or any other methods for achieving compliance. As the City itself pointed out (Comment #18, it will be necessary to conduct the source evaluation studies required in Task 4.1 to identify appropriate control measures.

See also Response to Comments #24, 25, 26 in the June 24, 2005 Staff Report, Attachment B.

Comment #20:

[T]he alternatives to meet dry weather TMDL compliance cannot be developed until at least Tasks 3 and 4 of the proposed TMDL Implementation Plan have been implemented.

Response:

See response to Comments #18 and 19.

Comment #21:

Public agencies must also consider budget cycles when undertaking a large-scale project effort, which could extend the proposed schedule. For this reason, a more reliable schedule to achieve dry weather

compliance would be approximately 10 years from the adoption of the TMDL if this alternative were selected.

Response:

Board staff agree that additional time is warranted to allow bacterial source and other related studies to be completed and appropriate control measures to be designed, permitted and implemented. Therefore, staff proposes that the Dry Season compliance date be revised to indicate that compliance is to be achieved “As soon as possible, but no later than December 31, 2015”.

Comment #22:

Treatment costs for the additional flow would incur roughly an additional operating cost of \$2.1 million annually, assuming 6 cfs of dry weather flow is diverted and treated at a daily cost of \$1,145 MGD to treat. This cost does not include collection system operation and maintenance, which we anticipate could be as much as twice the cost to treat. Therefore, securing on-going funding sources must also be considered in the implementation schedule.

Response:

Comment noted. See responses to Comment #18, 19 and 21.

Comment #23:

All sampling as part of this TMDL study were collected along the SAR-3 upstream of the Basin. Some sampling was performed downstream of the Prado Dam along SAR-2, however all Chino Basin Streams, SAR-3 and Temescal are tributary to this point. Water quality at this site is also affected by wetlands processes in the Prado Basin. Thus it seems inconclusive that the Temescal watershed contributes to the pathogen impairment identified for SAR-3 and we believe should not be included in this TMDL.

Response:

See Responses to Comments #3 and #5.

MATT YEAGER

San Bernardino County Flood Control District

(Oral comments presented at the June 24, 2004 Regional Board workshop)

Comment #24:

The San Bernardino County Flood Control District (District) has been an active participant in the TMDL Workgroup and in the TMDL development process.

Response:

Comment noted.

Comment #25:

The District supports the following proposed revisions to the TMDL: separate dry season and wet season compliance dates; flexible deadlines for revisions of the Water Quality Management Plan (WQMP) and Municipal Stormwater Management Plan (MSWMP); the approach for addressing the Phase II and industrial sources; and acknowledgement of the efforts of the Stormwater Quality Standards Task Force.

Response:

Comment noted.

Comment #26:

The cost evaluation lacks detail and is not specific enough to evaluate cost of implementation. The TMDL Report references Prop 13 projects for cost estimates, however it is unclear which Prop 13 projects were used for comparison. References for the Cost Estimates should be provided.

Response:

See the June 24, 2005 Staff Report – Response to Comments #9, 26, 27, 43 and 61 (Attachment B).

Comment #27:

A better estimate of the number of subsurface wetlands that would be needed to comply with the TMDL is needed in order to evaluate the overall potential costs.

Response:

See the June 24, 2005 Staff Report – Response to Comments #26 and 27.

Comment #28:

The TMDL Report references the Prop 13 Phase II Monitoring and Modeling Program being conducted by SAWPA and USGS. It is unclear how the results will be used and how the study is related to the monitoring program requirements.

Response:

See the June 24, 2005 Staff Report – Response to Comment # 42 and 59.

As discussed at several TMDL Workgroup meetings, the purpose of the monitoring and modeling study is to provide up front assistance to the agricultural operators and urban runoff managers in identifying sources of bacteria within specific land use categories. This is essentially the urban source evaluation program and agricultural source evaluation program as required in the Basin Plan amendment/TMDL (Task 4.1 and Task 5.1, respectively). Stakeholders have indicated a desire for the Regional Board to

provide funding for TMDL implementation, and therefore, in coordination with SAWPA, this project provides a jump start on implementation. However, the District is not required to use the study results or the modeling tools that are developed for source evaluation and is free to develop an alternative study approach.

Comment #29:

The Beneficial Use Survey, which is a USEPA funded Water Quality Planning Grant (205j), may affect the bacterial indicator water quality objectives being developed by the Storm Water Quality Standards Task Force and/or the TMDL numeric targets, and therefore should be discussed in the TMDL Report and Basin Plan amendment.

Response:

See Response to Comments #12 and 17, above. As with the Prop 13 Monitoring and Modeling Project, SAWPA staff, along with the support of Regional Board staff were instrumental in securing funding to support an evaluation of the extent to which the subject waterbodies are being used for recreational purposes. As noted by District staff in Comment #32 (below), this information will be useful for the development of appropriate water quality objectives, a task of the Stormwater Quality Standards Task Force. Staff believe that a full discussion of this effort is outside the scope of the Basin Plan amendment. There are additional Task Force projects and efforts that could result in revisions to the TMDLs in the future. Again, it is not appropriate to reference and discuss all of these projects in the Basin Plan amendment. Instead, the appropriate approach is to recognize the Task Force effort and indicate the Regional Board's commitment to review and revise the TMDLs based on the results, as is identified in Task 6 – Review and Revision of the TMDL (TMDL Re-opener)

Comment #30:

Given that USEPA approval of the TMDL will occur in mid-2006, approval of the urban source evaluation plan would occur in mid-2007 and resulting needed revisions to the Water Quality Management Plan (WQMP) and Municipal Stormwater Management Plan (MSWMP) would occur in mid-2009, only 3.5 years would be left for achieving compliance with the Dry Season compliance date of 2012. This is not sufficient time to complete project of development and design, comply with CEQA requirements, secure funding and build projects. Dry Season compliance by 2015 is a more reasonable schedule.

Response:

See Response to Comment # 21. Board staff recommends that the dry season compliance date be revised to "as soon as possible but no later than 2015".

Comment #31:

Quarterly reporting of results is not needed. Biannual or annual reporting coordinated with the Annual Stormwater Program Report would be appropriate.

Response:

Staff agree that semi-annual reporting that is tied into evaluating compliance with the Dry Season TMDLs and the Wet Season TMDLs is appropriate. As shown in the Attachment to Resolution No. R8-2005-0001, revision of the quarterly reporting dates to semi-annual is proposed. The first semi-annual report would be due May 31 of each year to capture the Wet Season sampling period, and the second report would be due December 31 of each year to capture the Dry Season sampling period.

Comment #32:

Including *E. Coli* as a numeric target at the proposed levels is inappropriate since the target should be based on beneficial use surveys. Since the Stormwater Quality Standards Task Force is undertaking this effort, including *E. Coli* as a target, is also premature.

Response:

See Response to Comment #12.

Comment #33

The bulk of the Middle Santa Ana River Watershed is in San Bernardino County. Consequently, the costs to San Bernardino County for diversions and treatment, such as described by Riverside County Flood Control District, will be 2 to 3 times what Riverside County may have to pay.

Response:

Board staff do not agree that San Bernardino County comprises the bulk of the MSAR watershed or that the County's costs will be 2 to 3 times greater than what Riverside County may have to pay. In the TMDL Report, Board staff may have underestimated the total land acreage for Riverside County within the MSAR watershed. In reviewing maps for the MSAR watershed, it appears that the land acreages are nearly equal. Further, the populations for the two counties areas within the watershed are likely roughly equal also.

Comment #34

Extremely high levels of enterococcus organisms were detected in Santa Ana River water during a particular stormwater sampling event. This indicates that there is a tremendous source out there. If we go forward without really having a clear understanding, we are not going to be successful.

Response:

Board staff agree that there is a significant bacterial problem in the Middle Santa Ana River watershed. Further, Board staff agree that a clear understanding of conditions within the watershed is vital to successfully addressing the bacteria problem. The proposed implementation plan in the proposed Basin Plan amendment is based upon just such an approach. Regarding the enterococcus levels, Board staff is not proposing the use of enterococcus as an alternative bacterial indicator for these TMDLs.

STEVE STUMP

**Riverside County Flood Control and Water Conservation District
(Letter dated June 24, 2005)**

TOM RHEINER

**Riverside County Flood Control and Water Conservation District
(Oral comments presented at the June 24, 2004 Regional Board workshop)**

Comment #35:

Although dry weather flow from urban sources are minimal and generally infiltrate prior to receiving waters, seven (7) years is not adequate time to budget, design, construct and implement capital improvements necessary to divert dry weather flows from MS4s to treatment facilities. Further, setting 2012 as a compliance deadline to achieve numeric targets for dry weather flows would require planning efforts for such facilities prior to completion of the Task Force effort.

The District recommends extending the target compliance date for dry weather flows to 2015. This will give public agencies approximately nine years to complete the work of the Task Force relating to appropriate Recreation use designations and corresponding objectives, conduct source investigations, explore emerging pathogen control BMPs and seek funding for capital projects or retrofits.

Response:

See Response to Comment # 21.

Comment #36:

The District's position was not to suggest the implementation of an interim *E. Coli* standard at this time, but was to suggest that implementation of the TMDL should occur only after an appropriate indicator and numeric target for pathogen indicators have been determined by the Task Force. While we understand the Regional Board's need to fulfill a commitment to complete this TMDL, we believe the inclusion of an interim *E. Coli* standard at this time would be counterproductive to the efforts of the Task Force.

Response:

See Response to Comments #11 and 12.

Comment #37:

The addition of sites and increased frequency of bacterial TMDL sampling requires additional staff time and labor costs, and the requirement for quarterly reporting will be an additional increase on the demand of staff time. The District recommends annual reporting in place of quarterly reports such that compiling the TMDL monitoring reports may be incorporated into the regular annual reporting process associated with the MS4 permits.

Response:

See Response to Comment #31.

MARK NORTON

Santa Ana Watershed Project Authority (SAWPA)
(email communication dated June 15, 2005)

Comment #38:

On page 15 of 15 of the Attachment 1 to Resolution No. R8-2005-0001, last footnote on the page, SAWPA should be on the list of participants on the SWQSTF. The footnote should also indicate that SAWPA is serving as the administrator for the Storm Water Quality Standards Task Force. SAWPA is a named party of the task force agreement and is also helping to fund the study.

Response:

Staff appreciates this comment. The omission of SAWPA from the list was an oversight. As shown in the Attachment to Resolution No. R8-2005-0001, Task 6, staff proposes to appropriately reference SAWPA's role in the SWQSTF.